

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 19-06480

Mary A. Jones; CHAPTER 13

Debtor(s). JUDGE Jack B. Schmetterer

NOTICE OF MOTION

PLEASE TAKE NOTICE that on May 22, 2019 at 10:00 AM, or soon thereafter as counsel may be heard, I shall appear before the Honorable Jack B. Schmetterer or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 682 at 219 South Dearborn Street, Chicago, IL 60604, and move to present the attached motion.

/s/ Crystal V. Sava
Attorney for Creditor

NOTE: This law firm is deemed to be a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2019, a true and correct copy of the foregoing NOTICE OF MOTION was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

David M. Siegel, Debtor's Counsel

Tom Vaughn, Trustee

Patrick S. Layng, U.S. Trustee

And by regular US Mail, postage pre-paid on:

Mary A. Jones, 9142 S. May, Chicago, IL 60620

/s/ Thomas Girard

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MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-B, secured creditor herein, by and through its attorneys, ANSELMO LINDBERG & ASSOCIATES LLC, and moves for entry of the attached Order Granting Relief from the Automatic Stay and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
4. The debtor filed a petition for relief under Chapter 13 on March 11, 2019.
5. WILMINGTON SAVINGS FUND SOCIETY, FSB, AS OWNER TRUSTEE OF THE RESIDENTIAL CREDIT OPPORTUNITIES TRUST V-B holds a mortgage secured by a lien on debtor's real estate commonly known as 9142 South May Street, Chicago, Illinois 60620.
6. On January 28, 2019, prior to the filing of the petition by the debtors, the property was sold in a foreclosure sale pursuant to judgment in chancery case #17CH8160. Debtor(s) no longer have ownership in the property.

7. That pursuant to the Illinois Mortgage Foreclosure Law and the Seventh Circuit Court of Appeal Decision in Colon v. Option One Mortgage Corp., 319 F. 3d 912 (7th Cir. 2003) the debtor's right to cure the default expires upon completion of the sale.
8. The fact that said property has been sold in a foreclosure sale prior to the filing of the bankruptcy petition is cause for the automatic stay to be modified as to the movant.
9. The movant requests the Court order that Rule 4001(a)(3) is not applicable

WHEREFORE, Movant prays for an entry of the attached Order Granting Relief from the Automatic Stay and for such further relief as this Court deems proper.

WILMINGTON SAVINGS FUND SOCIETY,
FSB, AS OWNER TRUSTEE OF THE
RESIDENTIAL CREDIT OPPORTUNITIES
TRUST V-B

/s/ Crystal V. Sava

Anselmo Lindberg & Associates
1771 W. Diehl Rd., Ste. 120
Naperville, IL 60563-4947
630-453-6960 | 866-402-8661 | 630-428-4620 (fax)
bankruptcy@AnselmoLindberg.com
Firm File Number: B19030068

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